

APPEARANCE FORM (CIVIL)

Initiating Party

Case Number: 18C04-2003-PL-

/ / Check if *Pro Se*. **NOTE: This form is not required for pro se protective orders.**

1. Angela Pickett 2. _____
Name of first initiating party Telephone of *pro se* initiating party
(Supply names of additional responding parties on continuation page.)

3. Attorney information (as applicable for service of process):

Name: Jason R. Delk Atty Number: #24853-18
Address: Delk McNally LLP Phone: 765.896.9495
211 S. Walnut Street FAX: _____
Muncie, IN 47305 E-mail: delk@delkmcnally.com
(Supply information for additional attorneys on continuation page.)

4. Case Type requested: PL 5. Will accept FAX service: Yes _____ No X
(See administrative Rule 8(b)(3)1)

6. Social Security numbers of all family members in proceedings involving support issues.

Name: _____ SS # _____
Name: _____ SS # _____
Name: _____ SS # _____
(Supply social security numbers for additional persons on continuation page)

7. Are there related cases? Yes _____ No X If yes, list case and number below.

Caption: _____ Case Number _____
Caption: _____ Case Number _____
(Supply information for additional related cases on continuation page)

8. Additional information required by state or local rule: _____

APPEARANCE FORM (CIVIL) - Initiating Party: Continuation Page

Case Number: 18C04-2003-PL-

Continuation of Item 1 (Names of initiating parties):

Name	_____	Phone (<i>Pro se</i> only)	_____
Name	_____	Phone (<i>Pro se</i> only)	_____
Name	_____	Phone (<i>Pro se</i> only)	_____
Name	_____	Phone (<i>Pro se</i> only)	_____

Continuation of Item 3 (Attorney information, as applicable for service of process):

Name:	<u>Megan M. McCooe</u>	Atty Number:	<u>28686-49</u>
Address:	<u>DELK McNALLY LLP</u>	Phone:	<u>765.896.9495</u>
	<u>211 S. Walnut Street</u>	FAX:	_____
	<u>Muncie, IN 47305</u>	E-mail:	<u>mercerc@delkmcnally.com</u>

Name:	_____	Atty Number:	_____
Address:	_____	Phone:	_____
	_____	FAX:	_____
	_____	Computer Address:	_____

Name:	_____	Atty Number:	_____
Address:	_____	Phone:	_____
	_____	FAX:	_____
	_____	Computer Address:	_____

Name:	_____	Atty Number:	_____
Address:	_____	Phone:	_____
	_____	FAX:	_____
	_____	Computer Address:	_____

Continuation of Item 6 (Social Security numbers of family members in cases involving support):

Name:	_____	SS #	_____
Name:	_____	SS #	_____

<u>March 17, 2020</u>	<u>/s/ Jason R. Delk</u>
Date	Jason R. Delk, Attorney

Authority: Pursuant to Trial Rule 3.1(B), this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.

Use Additional continuation pages if needed.

STATE OF INDIANA)
) SS:
DELAWARE COUNTY)
)
ANGELA PICKETT,)
)
 Plaintiff,)
)
 vs.)
)
TARGET CORPORATION,)
)
 Defendant.)

IN THE DELAWARE CIRCUIT COURT NO. 4
CAUSE NO: _____

COMPLAINT

Plaintiff, Angela Pickett, (hereinafter “Plaintiff”) by counsel, DELK McNALLY, LLP, for her Complaint against Target Corporation., (hereinafter “Defendant”), alleges and states as follows:

1. Plaintiff is and has been at all times relevant to this Complaint, a resident of Delaware County, Indiana.

2. Defendant is a corporation doing business in Delaware County, Indiana, which operates a Target shopping center located at 3601 North Barr Street, Muncie, Indiana.

3. As such, venue is proper in Delaware County, Indiana pursuant to Indiana Rule of Trial Procedure 75.

4. That on or about October 28, 2019, Plaintiff was a business invitee, and as she was shopping in the meat section of the Target of Muncie described above, she slipped and fell on a liquid substance which had accumulated on the floor of the store.

5. A stocking employee subsequently approached Plaintiff, questioned her about the incident, and provided her an incident report for her completion.

6. Defendant owed Plaintiff a duty of care to provide a safe and secure environment for its invitees. Defendant failed to meet this duty of care, and Plaintiff suffered injuries as a result.

7. Defendant was negligent by, but not necessarily limited to: failing to maintain the premises in a reasonably safe manner; allowing a hazard to exist in a location frequented by invitees of the premises; not employing proper inspection and/or clean-up practices and failing to warn invitees of the hazard.

8. Defendant's negligence was the proximate cause of Plaintiff's injuries, and, as a result of these injuries, Plaintiff has incurred medical expenses, has endured pain and suffering, has suffered permanent injuries, and will continue to endure pain and suffering and incur expenses and damages.

WHEREFORE, Plaintiff prays for a judgment against Defendant in an amount sufficient to compensate her for her injuries and damages and for any and all other just and proper relief in the premises.

JURY DEMAND

Plaintiff, by counsel, hereby requests a trial by jury for all matters stated and alleged herein.

Respectfully submitted,

DELK McNALLY LLP

/s/ Jason R. Delk

Jason R. Delk, Attorney No. 24853-18

Megan M. McCooe, Attorney No. 28686-49

Attorneys for Plaintiff

DELK McNALLY LLP
421 S. Walnut Street, Suite 200
Muncie, IN 47305
Telephone: 765-896-9495

SUMMONS

Delaware Circuit Court 4

**ANGELA PICKETT,
Plaintiff(s),****THE STATE OF INDIANA
IN THE DELAWARE CIRCUIT COURT NO. 4**

vs.

Cause No:**TARGET CORPORATION,
Defendant(s).**

To Defendant: Target Corporation, c/o CT Corporation System, Registered Agent, 150 W. Market Street, Suite 800, Indianapolis, Indiana 46204

You have been sued by the person(s) named "Plaintiffs" in the Court stated above for personal injuries.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the Plaintiff has made and wants from you.¹


You must answer the Complaint in writing, yourself or by attorney, within twenty (20)² days commencing the day after you receive this summons, or a judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service is hereby designated: certified mail, return receipt requested.

Date: 3/18/2020

Rick Spang
Clerk, Delaware County Courts

The seal of the Delaware County Courts in Indiana is circular. It features a central image of a pair of scales of justice. The words "DELAWARE COUNTY COURTS" are written in a circle around the top, and "INDIANA" is written at the bottom.

Jason R. Delk (24853-18)
Megan M. McCooe (28686-49)
DELK McNALLY LLP
211 S. Walnut Street
Muncie, IN 47305
Telephone: 765.896.9495

¹ If the Complaint is not attached, a copy is available for you in the Office of the Clerk of said Court.

² Or, if the summons is served by certified or registered mail, within twenty-three (23) days.

A. SERVICE BY SHERIFF

Received this summons this _____ day of _____, 2020, and I served it on the _____ day of _____, 2020, by delivering a copy of the summons and complaint (except as otherwise ordered by the Court where service of the complaint is not required) to _____

-or-

(2) by leaving a copy of the summons and complaint (except as otherwise ordered by the Court where service of the complaint is not required) at _____, with a person of suitable age and discretion residing therein and by mailing by first-class mail a copy of the summons to the last known address of said person.

-or-

(3) by serving the agent of respondent in the following manner _____, and by mailing by first-class mail a copy of the summons to the last known address of the defendant(s).

Dated this _____ day of _____, 2020.

by: _____ Sheriff

B. SERVICE BY MAIL

I hereby certify that on the _____ day of _____, 2020 at Muncie, Indiana, I mailed a copy of this summons and a copy of the complaint to the defendant(s) _____, by registered or certified mail, requesting a return receipt and that

(1) said return receipt was received by me on the ____ day of _____ 2020, and is attached hereto.

-or

(2) said mailing was returned without acceptance.

Dated this _____ day of _____, 2020.

Clerk

IN THE DELAWARE SUPERIOR COURT 4

STATE OF INDIANA

ANGELA PICKETT,)
)
 Plaintiff,)
)
 vs.) CAUSE NO.: 18C04-2003-PL-000034
)
 TARGET CORPORATION,)
)
)
)
)
 Defendant.)

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating: _____ Responding: XX _____ Intervening: _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party Target Corporation

Address of party (see Question #6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)

Telephone # of party _____
 (List on continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: Jeffrey S. Zipes Attorney Number: 15303-29
 Address: Coots, Henke & Wheeler, P.C. Telephone: 317 844-4693
255 East Carmel Drive FAX: 317 573-5385
Carmel, Indiana 46032-2689 Computer Address: jzipes@chwlaw.com
 (List on continuation page additional attorneys appearing for above party)

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Notice of Appeal;

- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he is solely responsible for keeping his Roll of Attorneys contact information accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Clerk of Courts Portal at <http://portal.courts.in.gov>.

3. This is a PL case type as defined in administrative rule 8(B)(3):
4. This case involves child support issues. Yes: No: X (If yes, supply social security numbers for all family members on separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. Yes: No: XX (If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service:

_____ Attorney's address
_____ The Attorney General Confidentiality program address
(Contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.state.in.us**).
_____ Another address (provide)

This case involves a petition for involuntary commitment. Yes: No: X

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

- a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

- b. State of Residence of person subject to petition: _____
- c. At least one of the following pieces of identifying information:
- (i) Date of Birth _____
 - (ii) Driver's License Number _____
State where issued _____ Expiration date _____
 - (iii) State ID number _____
State where issued _____ Expiration date _____
 - (iv) FBI number _____
 - (v) Indiana Department of Corrections Number _____
 - (vi) Social Security Number is available and is being provided in an attached confidential document. Yes No

7. There are related cases. Yes: No: X (If yes, list on continuation page)

8. Additional information required by local rule: _____

9. There are other party members represented by undersigned counsel: Yes:___ No: X (If yes, list on continuation page)

10. This form has been served on all other parties. Certificate Of Service is attached: Yes: X No:

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes 15303-29
Target Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on **March 30, 2020**, I electronically filed the foregoing document using the Indiana E-filing System ("IEFS"). I certify that the foregoing person was electronically served a copy of the foregoing document:

Jason R. Delk
Megan M. McCoee
Delk McNally, LLP
211 S. Walnut Streetjs
Muncie, IN 47305

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes

Jeffrey S. Zipes 15303-29
COOTS HENKE & WHEELER, P.C.
255 East Carmel Drive
Carmel, IN 46032
(317) 844-4693
jzipes@chwlaw.com

IN THE DELAWARE SUPERIOR COURT 4

STATE OF INDIANA

ANGELA PICKETT,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 18C04-2003-PL-000034
)	
TARGET CORPORATION,)	
)	
)	
)	
)	
Defendant.)	

MOTION FOR EXTENSION OF TIME TO ANSWER
PLAINTIFF'S COMPLAINT FOR DAMAGES

Defendant, Target Corporation, by counsel, respectfully moves the Court for an extension of time within which to answer Plaintiff's Complaint. In support of said Motion, Defendant states as follows:

1. This matter was initially filed by Plaintiff on or about March 18, 2020, and service was perfected on or about March 20, 2020. Defendant's responsive pleading is, therefore, currently due on or before April 10, 2020.
2. Undersigned counsel has just been retained in this matter to represent the Defendant's interests.
3. Undersigned counsel requires an additional thirty (30) days to investigate the facts and circumstances surrounding this incident in order to prepare an adequate answer and responsive pleading.

WHEREFORE, the Defendant, Target Corporation, requests a thirty (30) day extension of time, through and including, May 8, 2020, within which to file its responsive pleading to the Plaintiffs' Complaint, and for all other relief just and proper in the premises.

Respectfully Submitted,

COOTS, HENKE & WHEELER, P.C.

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes #15303-29
Attorney for Defendant,
Target Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on **March 30, 2020**, I electronically filed the foregoing document using the Indiana E-filing System ("IEFS"). I certify that the foregoing person was electronically served a copy of the foregoing document:

Jason R. Delk
Megan M. McCoee
Delk McNally, LLP
211 S. Walnut Street
Muncie, IN 47305

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes

Jeffrey S. Zipes 15303-29
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Carmel, IN 46032
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jzipes@chwlaw.com

IN THE DELAWARE SUPERIOR COURT 4

STATE OF INDIANA


ANGELA PICKETT,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 18C04-2003-PL-000034
)	
TARGET CORPORATION,)	
)	
)	
)	
)	
Defendant.)	

ORDER

Defendant, Target Corporation, by counsel, having filed its Motion for Extension of Time to Answer Plaintiff's Complaint. And the Court having examined said Motion and being duly advised in the premises, now finds that said Motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant, Target Corporation, be granted a thirty (30) day extension of time, to and including May 8, 2020, to respond to Plaintiff's Complaint.

DATED: 3/30/2020



JUDGE, DELAWARE SUPERIOR COURT 4
Circuit

COPIES TO:

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